

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson Courthouse

Kody Walker et al
Plaintiff/Petitioner(s)
VS.
Enovix Corporation et al
Defendant/Respondent
(s)

No. 23CV028923

Date: 03/20/2025

Time: 10:00 AM

Dept: 23

Judge: Michael Markman

ORDER re: Hearing on Motion for

Order Approving Private

Attorney's General Act

Settlement; Case

Management Conference

filed by Kody Walker

(Plaintiff) on 03/07/2025

The Motion for Order PAGA Approval & Dismissing PAGA Claims filed by Kody Walker on 01/03/2025 is Granted.

BACKGROUND FACTS

This is a PAGA representative action based on alleged violations of the Labor Code. Plaintiff Kody Walker and Defendant Enovix Corporation have settled for \$180,000.00, which includes up to \$54,000.00 in attorney's fees; up to \$14,480.73 in litigation costs and expenses incurred by counsel; an enhancement award of \$5,000.00 for the representative plaintiff; and settlement administration costs of up to \$3,650.00. The remainder will be distributed to the California Labor and Workforce Development Agency (LWDA) and aggrieved employees as PAGA penalties). At the time of mediation, counsel estimated that there were 163 aggrieved employees and 6,017 affected pay periods. (See Bradner Decl., ¶¶ 7, 8.) Notice of the proposed settlement was provided to the LDWA. (*Id.*, Ex. E; Supp. Bradner Decl., ¶ 5.)

LEGAL STANDARD

Under the Private Attorneys General Act of 2004 (PAGA), an employee aggrieved by his or her employer's alleged Labor Code violations may be authorized to act as an agent of the Labor Workforce and Development Agency (LWDA) to bring a civil action to recover civil penalties. Once an aggrieved employee files a PAGA lawsuit, the statutory scheme recognizes that the employee may settle that lawsuit on behalf of the state. (See Lab. Code, § 2699, subds. (a) & (1)(2).) "The superior court shall review and approve any settlement," and the "proposed

ORDER re: Hearing on Motion for Order Approving Private Attorney's
General Act Settlement; Case Management Conference filed
by Kody Walker (Plaintiff) on 03/07/2025

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settlement shall be submitted to the [LWDA] at the same time that it is submitted to the court.” (*Id.*, § 2699, subd. (1)(2).) A “trial court should evaluate a PAGA settlement to determine whether it is fair, reasonable, and adequate in view of PAGA’s purposes to remediate present labor law violations, deter future ones, and to maximize enforcement of state labor laws.” (*Moniz v. Adecco USA, Inc.* (2021) 72 Cal.App.5th 56, 77.) Although PAGA cases and class actions are different, the analysis for settlement approval is similar and involves many of the same factors, “including the strength of the plaintiff’s case, the risk, the stage of the proceeding, the complexity and likely duration of further litigation, and the settlement amount.” (*Ibid.*)

DISCUSSION

The parties participated in mediation with a private mediator and thereafter agreed to a settlement. (Bradner Decl., ¶ 8.) The court gives “considerable weight to the competency and integrity of counsel and the involvement of a neutral mediator in assuring itself that a settlement agreement represents an arm’s length transaction entered without self-dealing or other potential misconduct.” (*Kullar v. Foot Locker Retail, Inc.* (2008) 168 Cal.App.4th 116, 129 [class action context].) Counsel cites extensive experience in litigating similar cases and attests to an investigation sufficient to allow both sides to evaluate the case. (Bradner Decl., ¶¶ 10–16.) The court is satisfied that the PAGA settlement is generally “fair to those affected.” (*Williams v. Superior Court* (2017) 3 Cal.5th 531, 549.) At the court’s request, the parties revised certain terms of the settlement agreement. (See generally Supp. Bradner Decl., filed Mar. 6, 2025.)

ORDER

Plaintiff’s motion for approval of PAGA settlement is GRANTED. A compliance hearing for final accounting is set for December 4, 2025. Plaintiff must submit a report at least five (5) court days before the compliance hearing. Ten percent of the attorney’s fee award be held by the settlement administrator until completion of the distribution process and court approval of a final accounting.

Compliance Hearing re: final accounting is scheduled for 12/04/2025 at 10:00 AM in Department 23 at Rene C. Davidson Courthouse.

Dated : 03/20/2025



Michael Markman / Judge

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